

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNDER SEAL

UNITED STATES

v.

ALI ASAD CHANDIA,
also known as Abu Qatada

and

MOHAMMED AJMAL KHAN,
also known as Abu Khalid

Criminal No. 1:05CR401

Count 1: 18 U.S.C. §§ 371, 2339A
Conspiracy to Provide Material Support to
Terrorists (Lashkar-e-Taiba)

Count 2: 18 U.S.C. § 2339A
Material Support to Terrorists (Lashkar-e-
Taiba)

Count 3: 18 U.S.C. § 2339B
Conspiracy to Provide Material
Support to a Designated Foreign Terrorist
Organization (Lashkar-e-Taiba)

Count 4: 18 U.S.C. § 2339B
Material Support to a Designated Foreign
Terrorist Organization (Lashkar-e-Taiba)

INDICTMENT

September 2005 Term – At Alexandria

THE GRAND JURY CHARGES THAT:

General Allegations

At all times relevant to this Indictment:

1. *Kashmir* was a territory located on the Indian subcontinent. Upon independence from the United Kingdom in 1947, the Indian subcontinent was divided into two nations, India and Pakistan. After India and Pakistan fought their first war against each other in 1948, two-thirds of Kashmir ended up in India, and one-third in Pakistan. India is a predominantly Hindu nation, while Pakistan is predominantly Muslim. The portion of Kashmir under India's control has a Muslim majority.

2. For purposes of this Indictment, the term "violent *jihad*" refers to violent armed struggle on behalf of Islam or Muslims believed to be oppressed. Individuals who engage in violent *jihad* are *mujahideen*. An individual who dies or is killed as a result of engaging in violent *jihad* becomes *shaheed* (i.e., a martyr).

3. *Markaz Dawa Wa'al Irshad*, roughly translated as "Center for Invitation [to Islam] and Instructions," was founded in or about 1986 to organize Pakistani *mujahideen* participating in the violent *jihad* against armed forces of the Soviet Union in Afghanistan. A military wing of *Markaz Dawa Wa'al Irshad* later was established by the name of *Lashkar-e-Taiba*, roughly translated as "the Army of the Pure" or "the Army of the Righteous."

4. *Lashkar-e-Taiba*, also known as *Lashker-e-Taiba*, *Lashkar-e-Toyeba*, *Lashkar -e-Toiba*, *Lashkar e-Tayyiba*, and *Lashkar-I-Taiba* (abbreviated herein as "LET"), maintained and operated camps in Pakistan for training *mujahideen* from Pakistan and other countries. LET claims to have trained thousands of *mujahideen* to fight in areas including Afghanistan, Kashmir,

Bosnia, Chechnya, Kosovo, and the Philippines.

5. After the Soviet Union withdrew from Afghanistan, the primary focus of *Lashkar-e-Taiba* shifted to conducting violent *jihad* against the Government of India inside India and Indian-controlled Kashmir.

6. The *Taiba Bulletin* was a publication posted on the Internet that contained information about LET's military operations.

7. A *Taiba Bulletin* posted on the Internet on or about April 23, 2000, contained a claim by *Lashkar-e-Taiba* that it had recently killed Indian soldiers in the Kupawara district of Indian-controlled Kashmir, including soldiers riding in a bus convoy passing over a bridge under which LET *mujahideen* detonated a mine. This *Taiba Bulletin* also claimed that LET *mujahideen* used shoulder-launched rockets to destroy an Indian government building in the Kupawara district of Indian-controlled Kashmir.

8. A *Taiba Bulletin* posted on the Internet on or about July 11, 2000, quoted an LET official as stating: "Mujahideen have got access to the Indian army web site where they worked against the Indian forces. Lashkar-e-Taiba also made a remote control aeroplane that was caught in Occupied Kashmir. We are developing the modern technology. We can make modern devices. Allhamd-u-Lillah."

9. A *Taiba Bulletin* posted on the Internet in or about April 2001 contained a claim by *Lashkar-e-Taiba* that over 14,000 Indian soldiers had been killed, and that 1,000 *mujahideen* from *Lashker-e-Taiba* had died while engaged in violent *jihad* in Kashmir.

10. Between 1996 and December 2001, news media organizations reported that *Lashkar-e-Taiba* was blamed for numerous massacres of hundreds of civilians in various

incidents in Kashmir, as well as for an attack in December 2000 on New Delhi's "Red Fort," an historic landmark that houses both soldiers and civilians and draws thousands of tourists every day.

11. On or about December 13, 2001, armed terrorists attacked India's Parliament building in New Delhi, killing several people. The government of India blamed the attack on *Lashkar-e-Taiba*.

12. On December 24, 2001, the United States designated *Lashkar-e-Taiba* as a foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act. As a result of this designation, it became unlawful for persons within the United States, or persons subject to the jurisdiction of the United States, to provide material support or resources to *Lashkar-e-Taiba*.

13. The MP1000SYS system is an electronic automatic pilot system that can be installed on a model airplane. It contains a stability and control computer that can be programmed to fly an airplane with a 10-12 foot wingspan using Global Position Satellite coordinates. The system controls altitude, speed, and navigation to programmed waypoints, and also can be programmed to turn a video camera on and off when the airplane reaches certain locations. The MP1000SYS system can be used for military purposes as well as other applications, and it can be used in conjunction with a wireless video camera.

14. Defendant MOHAMMED AJMAL KHAN is a British national of Pakistani heritage.

15. Defendant ALI ASAD CHANDIA was born in Pakistan and retains Pakistani citizenship.

COUNT 1

Conspiracy to Provide Material Support to Terrorists (*Lashkar-e-Taiba*)

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference herein the General Allegations of this Indictment.
2. Beginning on a date unknown and continuing through at least March 2005, within Fairfax County in the Eastern District of Virginia and elsewhere, the defendants ALI ASAD CHANDIA and MOHAMMED AJMAL KHAN did knowingly, willfully, and unlawfully combine, conspire, confederate and agree with other individuals known and unknown to the grand jury to knowingly provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), and to conceal and disguise the nature, location, source, and ownership of material support and resources, knowing and intending that they were to be used in preparation for, and in carrying out, a violation or violations of Title 18, United States Code, Section 956 (conspiracy to kill or injure persons or damage property in a foreign country).
3. In or about 2000 and 2001, defendant ALI ASAD CHANDIA attended lectures by coconspirator Ali al-Timimi at Dar Al-Arqam, an Islamic educational center in Falls Church, Virginia.
4. In or about 2000 and 2001, defendant ALI ASAD CHANDIA became coconspirator Ali al-Timimi's personal assistant, assisting al-Timimi with scheduling appearances and speaking engagements, typing, and research on Islamic subjects.

5. On or about August 8, 2001, an individual using the e-mail address johninformation@yahoo.co.uk sent an e-mail to Barrday, Inc., a Canadian company with manufacturing facilities in the United States, in which the individual confirmed the purchase of kevlar fabric and inquired about the cost of shipping to Islamabad, Pakistan.

6. On or about August 19, 2001, coconspirator Seifullah Chapman traveled from Washington Dulles International Airport in the Eastern District of Virginia to Pakistan.

7. On or about September 16, 2001, at a meeting at the home of coconspirator Yong Ki Kwon in Fairfax, Virginia, in the Eastern District of Virginia, coconspirator Ali al-Timimi told coconspirators Randall Royer, Masoud Khan, Hammad Abdur-Raheem, Muhammed Aatique, Khwaja Mahmoud Hasan, and others, that the time had come for them to go abroad to join the *mujahideen* engaged in violent *jihad* in Afghanistan, and that American military forces likely to arrive in Afghanistan would be legitimate targets of a violent *jihad* in which those present had a duty to fight.

8. On or about September 16, 2001, at a meeting at the home of coconspirator Yong Ki Kwon in Fairfax, Virginia, the individuals gathered discussed obtaining military-style training from *Lashkar-e-Taiba* in order to join the *mujahideen* expected to engage in violent *jihad* against American military forces in Afghanistan.

9. On or about September 16, 2001, at a meeting at the home of coconspirator Yong Ki Kwon in Fairfax, Virginia, coconspirator Ali al-Timimi said to those considering whether to obtain military-style training from *Lashkar-e-Taiba* in Pakistan that LET was on the correct path.

10. On or about September 16, 2001, at a meeting at the home of coconspirator Yong Ki Kwon in Fairfax, Virginia, coconspirator Ali al-Timimi told those in attendance that Mullah Omar, the Emir of Afghanistan and leader of the Taliban, had called for their help in defending Afghanistan from the expected American invasion.

11. On or about September 16, 2001, at a meeting at the home of coconspirator Yong Ki Kwon in Fairfax, Virginia, coconspirator Ali al-Timimi read from a document in Arabic entitled "Sheikh Humood Bin Uqla Ash-Shu'aibi's Fatwa on the Recent Events," which stated in part that it was compulsory to assist Afghanistan in *jihad* against the expected U.S. military invasion.

12. On or about September 19, 2001, coconspirator Ali al-Timimi advised coconspirators Yong Ki Kwon and Khwaja Mahmoud Hasan how to reach the *Lushkar-e-Taiba* camps in Pakistan undetected.

13. On or about September 19, 2001, coconspirators Muhammed Aatique and Masoud Khan traveled from JFK Airport in New York to Karachi, Pakistan.

14. On or about September 19, 2001, coconspirator Seifullah Chapman returned to the Eastern District of Virginia from Pakistan.

15. On or about September 20, 2001, coconspirators Yong Ki Kwon and Khwaja Mahmoud Hasan traveled to Washington Dulles Airport to fly to Pakistan via New York by way of Manchester, England.

16. On or about September 20, 2001, coconspirators Muhammed Aatique and Masoud Khan arrived in Karachi, Pakistan.

17. On or about September 22, 2001, coconspirators Yong Ki Kwon and Khwaja Mahmoud Hasan arrived in Karachi, Pakistan.
18. In or about late September 2001, coconspirator Muhammed Aatique traveled to a *Lashkar-e-Taiba* camp near Muzafraabad, Pakistan.
19. In or about early October 2001, coconspirators Yong Ki Kwon, Khwaja Mahmoud Hasan, and Masoud Khan visited a *Lashkar-e-Taiba* office in Lahore, Pakistan, where they spoke to defendant MOHAMMED AJMAL KHAN, an LET official they knew as "Abu Khalid."
20. In or about early October 2001, and after visiting the LET office in Lahore, Pakistan, coconspirators Yong Ki Kwon, Khwaja Mahmoud Hasan and Masoud Khan traveled to an LET training camp near Muzafraabad, Pakistan.
21. In or about October 2001, at a *Lashkar-e-Taiba* training camp near Muzafraabad Pakistan, coconspirators Masoud Khan, Mohammed Aatique, Khwaja Mahmoud Hasan, and Yong Ki Kwon each fired a semi-automatic AK-47 rifle, a machine gun, a rocket-propelled grenade, and an antiaircraft gun.
22. In or about October 2001, while at a *Lashkar-e-Taiba* facility near Lahore, Pakistan, coconspirators Khwaja Mahmoud Hasan and Yong Ki Kwon encountered defendant MOHAMMED AJMAL KHAN, whom they knew by the name "Abu Khalid."
23. On or about October 14, 2001, ALI ASAD CHANDIA attended a meeting at the home of coconspirator Ali al-Timimi in Fairfax, Virginia, in the Eastern District of Virginia, along with coconspirators Donald Surratt, Ibrahim al-Hamdi, and others.

24. On or about October 14, 2001, during the meeting at his residence, coconspirator Ali al-Timimi told those present that it was obligatory for them to go to Pakistan and Afghanistan to engage in *jihad* on behalf of Muslims in those countries.

25. On or about October 14, 2001, during the meeting at his residence, coconspirator Ali al-Timimi read and expressed his agreement with an Arabic-language document, to wit, Sheikh Safar Hawali's "Statement to the Ummah Concerning the Recent Events," which said that Muslims everywhere rejoiced when they heard the news of the terrorist attacks of September 11, 2001, and that it was the duty of Muslims to guard the religion from all sides.

26. On or about October 15, 2001, defendant ALI ASAD CHANDIA renewed his Pakistani passport at the Pakistani embassy in Washington, D.C.

27. Between on or about September 11, 2001, and on or about November 2, 2001, defendant ALI ASAD CHANDIA submitted a handwritten letter of resignation to his supervisor at Costco, stating that "I have to leave now due to some family emergency."

28. On or about October 23, 2001, defendant ALI ASAD CHANDIA purchased an airline ticket for travel on Pakistani International Airlines for travel from New York's JFK Airport to Lahore, Pakistan, on November 3, 2001.

29. In or about October 2001, and after attending the LET training camp in Pakistan, coconspirators Yong Ki Kwon and Khwaja Mahmoud Hasan went to an LET facility in Muridke, Pakistan.

30. On or about October 2001, while at the LET facility in Muridke, Pakistan, coconspirator Yong Ki Kwon had a conversation with defendant MOHAMMED AJMAL KHAN in which they discussed paintball.

31. On or about November 3, 2001, defendant ALI ASAD CHANDIA departed JFK Airport in New York for Lahore, Pakistan.

32. On or about November 5, 2001, defendant ALI ASAD CHANDIA arrived in Lahore, Pakistan.

33. In or about November 2001, and after coconspirator Khwaja Mahmoud Hasan spent time at the LET facility in Muridke, Pakistan, defendant MOHAMMED AJMAL KHAN drove Hasan from Muridke to the LET office in Lahore, Pakistan, that Hasan had visited before going to the LET training camp.

34. In or about November 2001, defendant ALI ASAD CHANDIA went to a *Lashkar-e-Taiba* office in Lahore, Pakistan.

35. In or about November 2001, coconspirator Khwaja Mahmoud Hasan encountered defendant ALI ASAD CHANDIA at the LET office in Lahore, Pakistan, that Hasan had visited before going to an LET training camp.

36. In or about November 2001, coconspirator Yong Ki Kwon encountered defendant ALI ASAD CHANDIA at the LET office in Lahore, Pakistan, that Kwon had visited before going to an LET training camp.

37. In or about November 2001, while at the *Lashkar-e-Taiba* office in Lahore, Pakistan, defendant ALI ASAD CHANDIA asked Yong Ki Kwon about the training that takes place at the LET camp, and about the clothing that he would need at the camp.

38. On or about January 23, 2002, an individual using the e-mail account johninformation@yahoo.co.uk sent an e-mail to Barrday, Inc., the subject of which was "Re: Fwd: p. singh," in which the individual stated, "i have arrived here in canada toronto today and i will be flying out on the 30th jan i wish to pay a visit to ur office and factory to finalise the purchase of kevlar, if u could arrange a time and contact me"

39. On or about February 5, 2002, defendant ALI ASAD CHANDIA departed Pakistan, arriving at Washington Dulles Airport in the Eastern District of Virginia on or about the same date.

40. On or about February 11, 2002, defendant MOHAMMED AJMAL KHAN flew from Birmingham, England, to the United States, arriving at Newark International Airport in Newark, New Jersey, then flew from Newark to Washington Dulles International Airport in the Eastern District of Virginia.

41. On or about February 13, 2002, an individual using the e-mail account johninformation@yahoo.co.uk sent an e-mail to the president of Vesta Technology in Wheat Ridge, Colorado, in which he stated, "Hi there I phoned u guys yesterday to make a test flight app but the relative person was not present. I was expecting a e mail off u last night, can we arrange a date plz before the 20th feb. I know that this may be a short notice looking forward to meeting u urs Mr. P. Singh."

42. On or about February 14, 2002, an individual using the e-mail account johninformation@yahoo.co.uk sent an e-mail to the president of Vesta Technology in Wheat Ridge, Colorado, in which he stated, "I can bc in denver eta 11.00am flight no, CO 1531 on the 21 feb, which would give us the entire afternoon also the following day is 22feb in case of bad

weather up until the 23feb morring, coz flight leaves at 2.40pm. If u could let me know if these times r ok for u as soon as possible so I can book my ticket. I DO APOLIGISE FOR THE INCONVINACE P. SINGH.”

43. On or about February 14, 2002, an individual using the name Mohammad Khan purchased a ticket for travel on February 21, 2002 from Washington’s Reagan National Airport to Denver via Cleveland on Continental Flight 1531.

44. On or about February 15, 2002, an individual using the e-mail account johninformation@yahoo.co.uk sent an e-mail to the president of Vesta Technology in Wheat Ridge, Colorado, in which he stated, “Hi there steven I would like to confirm my arrival on 21 feb 11.00am can u tell me when and where to meet u thanks MR. P.SINGH.”

45. On or about February 21, 2002, defendant MOHAMMED AJMAL KHAN met with the president of Vesta Technology in Wheat Ridge, Colorado, at the offices of Vesta Technology, and the two of them traveled to a field where the president of Vesta Technology conducted a demonstration flight of an unmanned aerial vehicle.

46. On or about February 21, 2002, an individual using the e-mail account for the president of Vesta Technology sent an email to the e-mail account asadibnmohammed@yahoo.com in which he stated, “I will be staying at the Super 8 motel send money there please address is 10101 south I-70 frontage rd in wheat ridge tel no is 303 4248300 thank bye a,”and an individual using the e-mail account asadibnmohammed@yahoo.com promptly replied stating “Thanks.”

47. On or about February 21, 2002, defendant MOHAMMED AJMAL KHAN checked into the American Motel in Wheat Ridge, Colorado at which time he presented a United Kingdom Passport in the name of MOHAMMED AJMAL KHAN and provided a name and address of "Mohammed Khan, 43 Board Street, Coventry, U.K."

48. On or about February 24, 2002, an individual using the e-mail account johninformation@yahoo.co.uk sent an e-mail to the president of Vesta Technology in Wheat Ridge, Colorado, in which he stated, "I just got back to DC and read your emails, I ended up staying at american Motel. Which is across thr road from super 8. I would like to place the order for complete system however could you find out for me a remote control and video which have greater range. 5 miles + which is compatible with your system. Please get back to me ASAP so that I could make a final decision. I looked up a video system at www.wirelessvideocameras.com Model AAr05 with TC CMOS This has a range of 5 miles."

49. On or about February 25, 2002, an individual using the e-mail account johninformation@yahoo.co.uk sent an e-mail to the president of Vesta Technology in Wheat Ridge, Colorado, in which he stated, "Thanks for the quick response I will be waiting for ur info on long range remote controls and any other vidioe systems in regard to ur secound e mail I shall put it to my boss, however I can not garanty anything waiting for info as soon as thanks."

50. On or about February 28, 2002, an individual using the e-mail account johninformation@yahoo.co.uk sent an c-mail to the president of Vesta Technology in Wheat Ridge, Colorado, in which he stated, "HAVE U GOT ANY NEWS ON LONG RANGE REMOTE TRANSMITTERS WAITING FOR U REPLY THANKS."

51. In or around February 2002, defendant ALI ASAD CHANDIA went together with defendant MOHAMMED AJMAL KHAN to Khwaja Mahmoud Hasan's residence in Alexandria, Virginia, in the Eastern District of Virginia.

52. In or around February 2002, at the Alexandria, Virginia, residence of Khwaja Mahmoud Hasan, and while in the presence of the defendant ALI ASAD CHANDIA, defendant MOHAMMED AJMAL KHAN said he had come to the United States to obtain equipment for *Lashkar-e-Taiba*.

53. In or around February 2002, while in the presence of defendant ALI ASAD CHANDIA, defendant MOHAMMED AJMAL KHAN told Khwaja Mahmoud Hasan that *Lashkar-e-Taiba* was still conducting military operations, though LET had been forced to close its Lahore office.

54. On or about February 27, 2002, defendant MOHAMMED AJMAL KHAN flew from Washington Dulles International Airport to Newark, Jersey, then flew from Newark to Birmingham, England.

55. On or about March 27, 2002, an individual using the e-mail address psingh111@hotmail.com communicated to Wireless Video Cameras, a company located in Rancho Santa Margarita, California, that individual's interest in ordering wireless video equipment intended for use on a remote-controlled aircraft. The individual using the e-mail address psingh111@hotmail.com provided Wireless Video Cameras with a credit card number and an address in Coventry, England.

56. On or about March 27, 2002, a representative of Wireless Video Cameras advised an individual using the e-mail address psingh111@hotmail.com by e-mail that he could not verify the individual's credit card.

57. On or about March 28, 2002, a coconspirator identifying himself as Pal Singh telephoned Wireless Video Cameras and advised that coconspirator Seifullah Chapman would place the order for the wireless video equipment using Chapman's credit card, thereby enabling Wireless Video Cameras to verify the credit card.

58. On or about March 28, 2002, coconspirator Seifullah Chapman, using a credit card in his name, ordered and purchased a wireless video camera and amplifier for a remote-controlled aircraft from Wireless Video Cameras, for approximately \$986.

59. On or about April 5, 2002, an individual using the e-mail address psingh111@hotmail.com and an address in Coventry, England, placed an order with Aircraft Spruce Specialty, a company located in Corona, California, for a handheld navigation radio, communication headsets, and other equipment.

60. On or about April 8, 2002, the products ordered that day by the individual using the e-mail address psingh111@hotmail.com were shipped to the address in Coventry, England, provided with the equipment order.

61. On or about April 9, 2002, Wireless Video Cameras shipped wireless video equipment to coconspirator Seifullah Chapman at his home address in Alexandria, Virginia, in the Eastern District of Virginia.

62. On or about May 4, 2002, an individual using the e-mail address psingh111@hotmail.com sent an e-mail to Wireless Video Cameras regarding a problem with the equipment he had received, in which he stated the following: "I JUST TRIED THE EQUIPMENT AND THE SYSTEM IS NOT WORKING AS IT WAS SAID, THE GIVEN RANGE IS NOT BEING SATISFIED, IT WAS SAID TO BE ADEQUATE FOR 5 [MILES] RANGE BUT AFTER 200 METERS IT [LOSES] RECEPTION AND WITHIN 200 METERS INTERFERENCE WAS ALSO THERE. CAN U ADVICE REGARDING THESE ISSUES OR CAN U EXPLAIN THE PROCESS OF RETURNING THE GOODS."

63. On or about May 5, 2002, Wireless Video Cameras sent a reply e-mail to the e-mail address psingh111@hotmail.com containing recommendations about how to resolve the technical problems described in the above-described e-mail of May 4, 2002, from an individual using the e-mail address psingh111@hotmail.com.

64. On or about May 9, 2002, an individual using the e-mail address psingh111@hotmail.com sent an e-mail to Wireless Video Cameras stating the following: "thanks for the reply all the power supply is at the correct voltage both 4 the transmitters and the [recciver], [I] only did a ground check that day and got [approximately] 200 meters [I] hope this is the reason, [I] shall do an airborne check on the 14 and will let u know"

65. On or about May 20, 2002, an individual using the e-mail address johninformation@yahoo.co.uk sent an e-mail to Barrday, Inc., the subject of which was "Re: Fwd: p. singh," in which the individual stated, "i am having problems with attaing level 3 ie preventing a 7.62 bullet can u plz send some info on how may layers and what type of adhivise to use, or any othere info relative to this"

66. On or about May 29, 2002, an individual using the e-mail address psingh111@hotmail.com sent an e-mail to Wireless Video Cameras stating the following: "[I] am sorry to say that the camera is still not working at the desired specs. [B]ro I have tried everything the max range [it's] giving me is . . . 100 meters. [T]ell me what to do now . . . [I] want to return the goods to u . . . I was quite keen to get this project off the ground, and there r lots of my friends who are [interested]. [E]verything was installed as instructed but [it's] still not giving the desired results. [S]o if u can exchange this for a working camera that would be great . . ."

67. On or about May 29, 2002, Wireless Video Cameras sent a reply e-mail to the e-mail address psingh111@hotmail.com, stating: "It sounds like there must be a problem with the amplifier. Please send it back via airmail insure and be sure to mark on the box in large print 'warranty repair' and on the shipping paperwork 'warranty repair.'"

68. On or about June 8, 2002, an individual using the e-mail address psingh111@hotmail.com sent an e-mail to Wireless Video Cameras stating the following: "[I] sent the stuff to u [yesterday] u should get it in 3 or 4 days when repaired post it [to] Mr. Chapman in the states . . ."

69. On or about June 9, 2002, defendant ALI ASAD CHANDIA, using the e-mail address asadibnmohammed@yahoo.com, sent an e-mail to defendant MOHAMMED AJMAL KHAN at the e-mail address islam97@hotmail.com with the subject heading "ur friend," in which CHANDIA stated the following: "Assalamualaikum Brother, I hope all is well. Where are you? How are the brothers? How is the situation? I have heard everything got shut. Is that true? I hope not." CHANDIA signed the e-mail as "AQ."

70. On or about June 21, 2002, a representative of Wireless Video Cameras sent an e-mail to an individual using the e-mail address psingh111@hotmail.com advising that it would provide a Gel Cell battery for the wireless video equipment in lieu of the alkaline batteries originally provided with the equipment, and asking that individual, "Do you want me to ship this to the same USA address as before?"

71. On or about June 24, 2002, an individual using the e-mail address psingh111@hotmail.com sent an e-mail to Wireless Video Cameras, stating "[T]hat be great send it to Mr. Chapman" and provided a new address for Chapman in Alexandria, Virginia, in the Eastern District of Virginia.

72. On or about July 9, 2002, Wireless Video Cameras sent an e-mail to an individual using the e-mail address psingh111@hotmail.com and coconspirator Seifullah Chapman advising that "[y]our system has been tested and all found working OK. We have included a 1.2Ah Gel Cell battery with the AC Charger."

73. On or about July 10, 2002, Wireless Video Camera shipped to coconspirator Seifullah Chapman, at his residence in Alexandria, Virginia, a 1.2Ah Gel Cell battery with an AC Charger.

74. While still in Pakistan in or about mid-2002, Yong Ki Kwon communicated by e-mail with coconspirator Masoud Khan. Khan advised Kwon by e-mail that he had been in contact with "the British guy."

75. While still in Pakistan in or about mid-2002, Yong Ki Kwon asked coconspirator Masoud Khan to provide him with defendant MOHAMMED AJMAL KHAN's e-mail address so that Kwon could contact MOHAMMED AJMAL KHAN.

76. In or about mid-2002, coconspirator Masoud Khan sent an e-mail to Yong Ki Kwon in Pakistan advising Kwon that coconspirator Seifullah Chapman would have defendant MOHAMMED AJMAL KHAN's e-mail address.

77. In or about mid-2002, coconspirator Seifullah Chapman sent an e-mail to Yong Ki Kwon in Pakistan advising Kwon that the e-mail address for defendant MOHAMMED AJMAL KHAN was johninformation@yahoo.com.

78. In or about mid-2002, while still in Pakistan, coconspirator Yong Ki Kwon contacted defendant MOHAMMED AJMAL KHAN using the e-mail address johninformation@yahoo.com, and asked KHAN for his telephone number.

79. In or about mid-2002, while coconspirator Yong Ki Kwon was still in Pakistan, defendant MOHAMMED AJMAL KHAN sent Kwon an e-mail in which he provided Kwon with his telephone number.

80. On or about November 27, 2002, approximately \$3,840 was wired from a bank account in London, England, in the name of Coconspirator #1, the cousin of defendant MOHAMMED AJMAL KHAN, to a bank account in the United States in the name of coconspirator Masoud Khan.

81. On or about November 28, 2002, an individual using the e-mail account johninformation@yahoo.co.uk sent an e-mail to coconspirator Masoud Khan, under the subject heading "khalid paintballs," in which the sender asked Khan for assistance in ordering one MP1000SYS airplane control module and a large quantity of paintball equipment, including eight paintball guns and 50,000 paintballs. The e-mail described the MP1000SYS equipment to be obtained as a "Radio Controlled (RC) pilot assist."

82. On or about December 5, 2002, coconspirator Masoud Khan purchased eight paintball guns via the Internet from Xtreme Fulfillment, a company located in Dayton, Ohio, for approximately \$1,278.

83. On or about December 6, 2002, Xtreme Fulfillment shipped eight paintball guns to coconspirator Masoud Khan at his residence in Gaithersburg, Maryland.

84. On or about December 10, 2002, coconspirator Masoud Khan received a shipment of eight paintball guns from Xtreme Fulfillment at his residence in Gaithersburg, Maryland.

85. On or about December 11, 2002, coconspirator Masoud Khan ordered an MP1000SYS system from Vesta Technology, a company located in Wheat Ridge, Colorado.

86. On or about December 17, 2002, coconspirator Masoud Khan ordered and purchased 50,000 paintballs from Xtreme Fulfillment for approximately \$819

87. On or about December 18, 2002, Xtreme Fulfillment shipped 50,000 paintballs to coconspirator Masoud Khan at his residence located at 9905 Lake Landing Road, Gaithersburg, Maryland.

88. On or about December 20, 2002, coconspirator Masoud Khan received a shipment of 50,000 paintballs from Xtreme Fulfillment at his residence at 9905 Lake Landing Road in Gaithersburg, Maryland.

89. On or about December 30, 2002, Vesta Technology shipped an MP1000SYS system to coconspirator Masoud Khan at his residence at 9905 Lake Landing Road, Gaithersburg, Maryland.

90. On or about March 3, 2003, coconspirator Seifullah Chapman, using the e-mail address seifchapman@yahoo.com, sent an e-mail to the account of johninformation@yahoo.co.uk in which he stated, "hey bro, my bro is coming to SA so if you still have stuff in the mr2 let me know and he can bring it here. Maybe it would be easier to get it from here."

91. On or about March 3, 2003, an individual using the e-mail account johninformation@yahoo.co.uk replied to coconspirator Seifullah Chapman at the e-mail address seifchapman@yahoo.com, stating, "hey bro nice to hear from u been a long time I was at haj just got back going to see mr mr2 in a week."

92. On or about March 3, 2003, coconspirator Seifullah Chapman, using the e-mail address seifchapman@yahoo.com sent an e-mail to the account of johninformation@yahoo.co.uk in which he stated, "it is good to hear that everything is ok with you. I talked to your boss. I guess no way to come there for the summer. hope to see you again soon."

93. On or about March 3, 2003, an individual using the e-mail account johninformation@yahoo.co.uk replied to coconspirator Seifullah Chapman at the e-mail address seifchapman@yahoo.com in which he stated, "I am flying to ur home land this week any messg u wana give to them take care keep in thoch."

94. On or about March 6, 2003, defendant MOHAMMED AJMAL KHAN entered the United States at Washington Dulles International Airport in the Eastern District of Virginia, reporting the address of his intended destination as "2086 Lk Landing, Gaiturburge, Maryland."

95. On or about March 13, 2003, defendants ALI ASAD CHANDIA and MOHAMMED AJMAL KHAN delivered twenty-one boxes, several of which contained paintballs, to Inter Global Systems (IGS), an international shipping company located in Sterling, Virginia, in the Eastern District of Virginia, for shipment to Lahore, Pakistan.

96. On or about March 14, 2003, IGS transferred the 21 boxes it had received from defendants ALI ASAD CHANDIA and MOHAMMED AJMAL KHAN to Saudia Airlines at Washington Dulles International Airport.

97. Between March 14 and March 23, 2003, Saudia Airlines shipped the above-described 21 boxes by truck to Saudia Airlines at John F. Kennedy International Airport in New York, New York, for shipment by air to Lahore, Pakistan.

98. On or about March 18, 2003, defendant MOHAMMED AJMAL KHAN departed the United States for Pakistan from John F. Kennedy International Airport in New York, New York.

99. On or about March 23, 2003, Saudia Airlines shipped the above-described 21 boxes by air to Lahore, Pakistan.

100. On or about March 30, 2003, defendant MOHAMMED AJMAL KHAN sent an email to defendant ALI ASAD CHANDIA in which he stated, "hi there bro plz plz e mail me the air waybill no and the invoice, if poss scan it to me, the stuff is here and I need the papaers to realse it urgent also post the originals to me do it now plz verrey important."

101. On or about March 30, 2003, defendant ALI ASAD CHANDIA sent an email to defendant MOHAMMED AJMAL KHAN in which he stated, "I will take care of it Monday. Where do I get the invoice from. Who has it? Let me know ASAP. I gave some of the money to our friend. I will give him the rest tomorrow. Don't worry. I will take care of everything tomorrow. AQ."

102. On or about May 7, 2003, defendant MOHAMMED AJMAL KHAN posted an inquiry on the Internet site RCUNIVERSE.COM in which he stated, "I have a problem with my RC, I gotta wireless cam capable of sending visual within 4 miles radius, but my RC has the capacity of 2 mile radius, coz my plane gets out of the RC range, I need to enhance the radius of my RC, if anybody has any idea how to boost the range of the TX, that would be appreciated."

103. On or about May 8, 2003, at his residence in Gaithersburg, Maryland, defendant ALI ASAD CHANDIA possessed publications concerning violent *jihad*, such as "Jihad is the best defence for oppressed Muslims" by LET leader Hafiz Muhammad Saeed; "Jihad in Islam"; "Jihad in the Present Time"; "Paradise – Its Blessings and How to Get There"; "Limited Warfare in the Nuclear Age"; and a September 2002 statement by former Taliban leader Mullah Omar.

104. On or about May 8, 2003, at his residence in Gaithersburg, Maryland, defendant ALI ASAD CHANDIA possessed audiotapes containing lectures by coconspirator Ali al-Timimi, including a lecture on the Taliban's destruction of ancient Buddhist statues that provides an Islamic justification for their destruction.

105. On or about May 8, 2003, at his residence in Gaithersburg, Maryland, defendant ALI ASAD CHANDIA possessed a document bearing the name "Abu Qatada Ali Asad."

106. On or about May 8, 2003, in a vehicle parked at his residence in Gaithersburg, Maryland, defendant ALI ASAD CHANDIA possessed a number of CD's containing documents in Urdu, one of the predominant languages in Pakistan, supportive of engaging in *jihad* in Kashmir, some of which contained the words "Copyright: 2001 www.markazdawa.org Lashkar-e-Taiba."

107. On or about May 26, 2003, an individual using the e-mail account psingh111@hotmail.com sent an e-mail to the former president, and current consultant at Vesta Technology in Wheat Ridge, Colorado, in which he stated, "hi there thanx bro, the thing is working, and I appriciate ur help and support ok got few other things 1 . friend of mine saw it yesterday, and he wants to buy a complete package configured and working with the camera so what price u r looking at?"

108. On or about May 29, 2003, an individual using the e-mail account psingh111@hotmail.com sent an e-mail to the former president, and current consultant at Vesta Technology in Wheat Ridge, Colorado, in which he stated, ". I've emaile to ur given address for costing but there is no answer yet, and please tell me that the price you saisd dose that include _ plane as well? 2. Three servos are working fine two servos FLAP and RUD are not responding with RC got any bright ideas? thanx"

109. On or about September 12, 2003, during the search of a residence in Coventry, England, where defendant MOHAMMED AJMAL KHAN resided on occasion, a Dell computer used by KHAN was found to contain the following: (1) an MSN Hotmail Inbox for the e-mail address islam97@hotmail.com listing e-mail communications sent by "Ali Asad" "re: urgent" dated March 30, 2003, and from "Ali Asad" "re: ur friend" dated June 10, 2003; (2) an MSN

Hotmail Inbox for the e-mail address psingh111@hotmail.com listing e-mail communications sent by individuals associated with Vesta Technologies between May 21, 2003, and June 10, 2003, and e-mail communications sent by Wireless Video Cameras between March 27, 2003, and July 10, 2003; (3) graphic images, web-site visitation records, and e-mail correspondence indicating that the user of the computer was attempting to purchase image-intensifying technology such as night-vision goggles, infrared rifle scopes, and thermal rifle scopes; and (4) e-mail communications from an individual using the e-mail address johninformation@yahoo.co.uk inquiring about thermal-imaging binoculars.

110. On or about March 1, 2005, during the search of a residence in Coventry, England, where defendant MOHAMMED AJMAL KHAN had previously resided on a regular basis, an address book was found containing a telephone number used by defendant ALI ASAD CHANDLA, telephone numbers used by Coconspirator Masaud Khan, and a telephone number for RC Universe.

(In violation of Title 18, United States Code, Sections 371 and 2339A.)

COUNT 2

Material Support to Terrorists (*Lashkar-e-Taiba*)

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference herein the General Allegations and Paragraphs 3 through 110 of Count One of this Indictment.
2. Beginning on a date unknown and continuing through at least March 2005, the defendants ALI ASAD CHANDIA and MOHAMMED AJMAL KHAN, in the Eastern District of Virginia and elsewhere, did knowingly and unlawfully provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), and conceal and disguise the nature, location, source, and ownership of material support and resources, knowing and intending that they were to be used in preparation for and in carrying out a violation or violations of Title 18, United States Code, Section 956 (conspiracy to kill or injure persons or damage property in a foreign country).

(In violation of Title 18, United States Code, Section 2339A.)

COUNT 3

Conspiracy to Provide Material Support to a Designated Foreign Terrorist Organization (*Lashkar-e-Taiba*)

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference herein the General Allegations and Paragraphs 3 through 110 of Count One of this Indictment.
2. Beginning on a date unknown and continuing through at least March 2005, within Fairfax County in the Eastern District of Virginia and elsewhere, the defendants ALI ASAD CHANDIA and MOHAMMED AJMAL KHAN did knowingly, willfully, and unlawfully combine, conspire, confederate, and agree with other individuals known and unknown to the Grand Jury to knowingly provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), to a designated foreign terrorist organization, namely *Lashkar-e-Taiba*.

(In violation of Title 18, United States Code, Section 2339B.)

COUNT 4

Material Support to a Designated Foreign Terrorist Organization (*Lashkar-e-Taiba*)

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference herein the General Allegations and Paragraphs 3 through 110 of Count One of this Indictment.
2. Beginning on a date unknown and continuing through at least March 2005, defendants ALI ASAD CHANDIA and MOHAMMED AJMAL KHAN, in the Eastern District of Virginia and elsewhere, did knowingly and unlawfully provide material support and resources, as that term is defined in 18 U.S.C. § 2339A(b), to a foreign terrorist organization, namely *Lashkar-e-Taiba*.


(In violation of Title 18, United States Code, Section 2339B.)

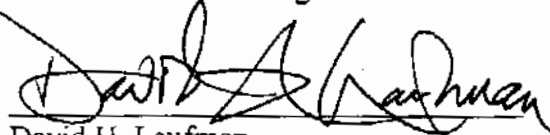
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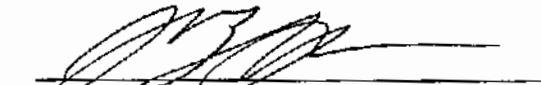
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